

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5511 of 2024

=====

Sunil Kumar, S/o Rajendra Prasad, resident of Village- Barha, P.S.-
Phulwariya, P.S. - Dumariya, District- Gaya, Pin - 824206.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Local Area Engineering Organization, Vishweshwaria Bhawan, 4th floor, Bailey Road, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Works Circle, Gaya.
5. The Executive Engineer, Local Area Engineering Organization, Works Division - 2, Sherghati.
6. Shyam Sundar Prasad, Son of Ram Khelawan Prasad, resident of Village - Kharauna, P.O. - Bishunpura, District - Gaya, PIN - 824237.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shambhu Nath, Advocate
For the Respondent/s : Mr. Government Advocate 13

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-04-2024

The petitioner is before this Court claiming that only two financial bids were opened and the petitioner's financial bid, despite he having been technically qualified, was not opened. We do not comprehend from which document the petitioner raises such a contention.

2. We see the technical bid opening as per Annexure-



2. There were seven persons considered for the technical bid evaluation, two were found to be disqualified and there were five others, including the petitioner, who were found qualified in the technical bid.

3. The consideration in the technical bid is only to see whether the bidders have qualified to execute the work tendered. After that the financial bid is opened and in the present case, the 6th respondent has been awarded the work as per Annexure-3, since he was the lowest; L1. As we noticed, we do not see anything which would support the petitioner's contention that his financial bid is not opened.

4. Learned Counsel appearing for the respondents asserts that Annexure-3 indicates the L1 i.e. the lowest bid, was the 6th respondent. When the lowest bid was specifically placed on record, the petitioner had a duty to assert that his financial bid is lower than that quoted in Annexure-3.

5. We specifically asked the learned Counsel for the petitioner whether there is such an averment, the response is evasive and the petitioner's counsel submits that he will answer at 2:15. However, if the financial bid made by the petitioner was lower to that of the 6th respondent whose bid is produced at Annexure-3, then that should have been the contention on which



the writ petition is filed. We find absolutely no such contention raised. There is hence no reason to entertain the writ petition.

6. We dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.04.2024
Transmission Date	

